

1 JEFFREY L. BROWN #65321
2 BROWN & FARMER APLC
2 7777 Alvarado Road, Suite 622
La Mesa, CA 91942
3 (619) 461-6511

4 Attorney for Debtor

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

10 In RE) CASE NO. 24-00134-CL7
11)
11 JUAN JOSE GUTIERREZ) DECLARATION BY DEBTOR
12) IN OPPOSITION TO MOTION
12) FOR RELIEF FROM STAY
13 Debtor)
14 _____) RS NO. RAS-1
14 U.S. BANK N.A.) DATE: JUNE 10, 2024
15) TIME: 10:30 AM
15) DEPT: ONE
16)
16 JUAN JOSE GUTIERREZ and)
17 GERALD H. DAVIS, TRUSTE)
17)
18 Respondents)
18 _____)
19)

20 I, JUAN JOSE GUTIERREZ, Debtor in the above-entitled case,
21 declare as follows:

22 1. I am the owner of a 2016 Tesla Model X, VIN #
23 5YJXCAE26GF021534.

24 2. The Fair Market Value of the vehicle, as set forth in
25 my bankruptcy schedules is \$24,505.00.

26 3. I filed a Chapter 7 bankruptcy on January 19, 2024.

27 4. My Statement of Intentions indicates my desire to keep
28 this vehicle and resume making the required monthly payments.

1 5. For several months prior to and immediately following
2 the filing of my case in January, I was having financial difficulties
3 that caused me to miss payments to Movant and ultimately caused me to
4 file bankruptcy.

5 6. On May 13, 2024, I paid the full amount of the
6 deficiency owing on my automobile loan. See Exhibit "A" attached
7 hereto.

8 7. I am willing to sign a Reaffirmation Agreement with
9 Movant, which would allow me to retain possession of the vehicle as
10 long as I continue to make timely monthly payments.

11 8. The continuation of the automatic stay herein
12 will not result in any irreparable harm, injury or damage to the
13 moving party, nor will moving party's lien against Debtors' property
14 be impaired.

15 I declare under penalty of perjury under the laws of the
16 State of California that the foregoing is true and correct and that
17 it is executed in La Mesa, California.

18
19 DATED: 5/20/24


/s/ JUAN JOSE GUTIERREZ
Debtor

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

10

11 In RE) CASE NO. 24-00134-CL7
12 JUAN JOSE GUTIERREZ)
13 Debtor.) CERTIFICATION OF SERVICE
14) BY MAIL

15

I, the undersigned whose business address appears above, certify:
That I am, and at all times hereinafter mentioned was, more than 18
years of age.

That on the 20th day of MAY, 2024, I served a true copy
of the annexed papers to wit:

18

DECLARATION OF DEBTOR

19

By CM/ECF on,

20

SEAN FERRY, sferry@rasig.com

21

GERALD DAVIS, Trustee: ghd@trusteedavis.com

22

United States Trustee: USTP.REGION15@USDOJ.GOV

23

I declare under penalty of perjury that the foregoing is true and
correct, executed at La Mesa, California on May 20, 2024.

25


/s/ MADELYN VALLONE

26

27

28



Official Receipt

DEPOSITS MAY NOT BE AVAILABLE
FOR IMMEDIATE WITHDRAWAL.

Reference 0026 01384 0009 05/10/2024 12:26 pm

Recovery Account ending in *
U.S. Bank \$3,162.06

Available Balance:

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"A"

Deposit checks anywhere, anytime
with the U.S. Bank Mobile App.

usbank.com

Cash, checks and other negotiable items received for deposit are subject to the terms and conditions of your
Deposit Account Agreement and any other agreements governing use of your account, as amended from time to
time. All items accepted for deposit are subject to later count and verification. Member FDIC.